

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOMINIK DIFRISCO AND SUSAN DIFRISCO,

Plaintiffs,

-against-

MARRIOTT INTERNATIONAL, INC.,

Defendant.
-----X

07 Civ. 3531 (CM) (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

The Court having received a motion by defendant, dated June 5, 2008 (Dkt. 18), seeking to hold non-party Aimee Yohann in contempt for failing to appear for a deposition pursuant to subpoena; and the Court having requested submission of proof of service of the motion on Ms. Yohann; and defendant having now informed the Court by letter dated July 22, 2008 that, “[d]ue to an inadvertent mistake by [counsel’s] office,” Ms. Yohann was not served with the motion and thus had no opportunity to respond; and defendant having requested the opportunity (a) to serve Ms. Yohann with the motion, and (b) to afford Ms. Yohann 30 days either to appear for deposition or to submit a response to the motion; it is hereby ORDERED as follows:

1. Defendant is directed to serve Ms. Yohann with a copy of defendant’s motion, plaintiffs’ opposition, and defendant’s reply, together with a copy of this Order, no later than July 25, 2008.

2. Ms. Yohann is directed to contact defendant’s counsel immediately upon receipt of service, so as to schedule a new date (not later than August 25, 2008) for her deposition.

Ms. Yohann is further directed to appear to give deposition testimony on the scheduled date, and

she is cautioned that, if she fails to do so, she may be held in contempt of the subpoena previously served upon her, as well as this Order, and may be subject to contempt sanctions, including but not limited to those requested by defendant's motion.

3. Defendant's motion is denied without prejudice to renew, if Ms. Yohann fails to contact counsel in accordance with this Order, or fails to appear for a rescheduled deposition.

4. If Ms. Yohann wishes to make any submission to this Court, and if she is not represented by counsel, then any submission should be directed to the Court's *Pro Se* Office, Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007.

Dated: New York, New York
July 23, 2008

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

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